THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.5796 of 1997

Dated 19-02-2007

Between:
Smt.J.R.D.Sujana Ranjana Kumari.

..... PETITIONER

AND

The Collector and District Magistrate, E.G.District, Kakinada & others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.5796 of 1997

O R D E R:

The petitioner questions the proceedings of the first respondent dated 29-08-1996, whereby her caste was declared as Mala “Scheduled Caste”, but not Valmiki “Scheduled Tribe” and the certificates obtained by her from the Tahsildar, Rampachodavaram, was directed to be cancelled. Further, the caste recorded in the school records of the petitioner as Valmiki “Scheduled Tribe” was also declared not to be correct.

Great stress is laid by Smt Marie Desai, learned counsel for the petitioner, on the affidavit filed in support of the writ petition, to submit that the social status certificate obtained by the petitioner’s father in 1957 from the Deputy Tahasildar, Rampachodavaram, also showed that he belongs to Valmiki (Scheduled Tribe).

Learned Government Pleader for Social Welfare, on the other hand, would take this Court through the order of the District Collector dated 29-08-1996, in support of his contention, that the only submission which the petitioner had made during the course of enquiry, before the District Collector, was on circular dated 20-02-1988, wherein Adi-Andhras were equated with Valmikis. According to the learned Government as the said circular had been quashed by this Court, no reliance could be placed on that circular. Learned Government Pleader would submit that since an elaborate enquiry was held, wherein the petitioner was given reasonable opportunity, she deserves no sympathetic consideration, whatsoever, and that she, not only, had gained undue advantage claiming to be a Valmiki (Scheduled Tribe), but had also deprived a genuine Valmiki candidate from being given the benefit of reservation.

It is true that the proceedings of the District Collector dated 29-08-1996 is detailed and elaborate and does establish that the petitioner was given a reasonable opportunity of being heard. It cannot, however, be lost sight of that this Court exercises its jurisdiction under Article 226 of the Constitution of India in larger public interest. If, indeed, the petitioner, as vehemently contended by Smt Marie Desai, learned counsel for the petitioner, does belong to Valmiki (Scheduled Tribe), her failure to produce the certificates, relied upon before this Court, during the course of enquiry held earlier, should not result in a genuine scheduled tribe candidate from the benefit of reservation as a Scheduled Tribe.

Since a detailed enquiry has been conducted in this regard, I do not see any reason to accept the submission of Smt Marie Desai, learned counsel for the petitioner, that an enquiry should be held afresh to enquire into the social status of the petitioner. The fact, however, remains, that ever since 1997, when this writ petition came to be filed and interim order passed, the petitioner continues to work as a Senior Assistant on the basis of the caste certificate given to her that she belongs to Valmiki (Scheduled Tribe). Ends of justice would be met, if the interim order were directed to be continued for a further period of four months and the petitioner is directed within a period of four weeks from the date of receipt of a copy of this order, to submit a detailed representation enclosing copies of the certificates, of which she has placed reliance in support of her claim that she belongs to Valmiki (Scheduled Tribe). On receipt of such representation, the first respondent shall cause necessary enquiries into the genuineness of these certificates and shall pass appropriate orders thereupon within a period of two months from the date of receipt of the representation.

It is made clear that since a detailed enquiry has already been held, no further oral enquiry need be conducted, and the verification,

which the first respondent is required to make, is only with regards the genuineness of the certificates submitted by the petitioner, along with her representation, in support of her claim that she belongs to Valmiki (Scheduled Tribe). It is also made clear that, in case the aforesaid representation is not submitted by the petitioner within the prescribed period of four weeks, the interim order would be cease to remain in force and the impugned order would operate. If, however, the representation is submitted within the stipulated period, the first respondent shall pass appropriate orders, in accordance with law, after causing enquiries into the genuineness of the certificates produced by the petitioner, and till such an order is passed, the interim order passed by this Court shall subsist.

Learned Government Pleader would refer to the subsequent W.P.No.3743 of 2002 filed by the petitioner and contend that the writ petition came to be filed against the appellate order of the Government consequent on the present writ petition being dismissed for default earlier. Since the present writ petition, which was dismissed for default, has since been restored and the interim order passed earlier stood revived, it is wholly unnecessary for us to examine the contents of the subsequent writ petition, more so, in view of the directions now passed requiring the first respondent to consider the case of the petitioner, in the light of the aforesaid observations, in accordance with law.

The Writ Petition is accordingly disposed of. No order as to costs.

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19-02-2007

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